

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

May 16, 2017

Mr. Bruce J. Sarchet
Littler Mendelson
500 Capitol Mall, Suite 2000
Sacramento, CA 95814

No. 17-60241 In-N-Out Burger, Incorporated v. NLRB
Agency No. 16-CA-156147

Dear Mr. Sarchet,

We have filed the administrative record. **PETITIONER'S BRIEF AND RECORD EXCERPTS ARE DUE WITHIN 40 DAYS FROM THE DATE ABOVE**, See FED R. APP. P. and 5TH CIR. R. 28, 30 and 31. Except in the most extraordinary circumstances, the maximum extension for filing briefs is 40 days in agency cases. See also 5TH CIR. R. 30.1.2 and 5TH CIR. R. 31.1 for guidance on filing the brief and record excerpts, and the Portable Document Format (PDF) you MUST use. See also 5TH CIR. R. 30.1 and 5TH CIR. R. 30.2(b) for the contents of the Record Excerpts which are filed instead of an appendix. You may access our briefing checklist on the Fifth Circuit's website "<http://www.ca5.uscourts.gov/docs/default-source/forms-and-documents---clerks-office/rules/brchecklist.pdf>". An intervenor's time is governed by 5TH CIR. R. 31.2. 5TH CIR. R. 42.3.2 allows the clerk to dismiss appeals **without notice** if the brief is not filed on time.

Record Excerpts: 5TH CIR. R. 30.1.7(c) provides that the electronic PDF version of the record excerpts should contain pages representing the "tabs" identified in the index of the document. However, we remind attorneys that the actual paper copies of record excerpts filed with the court must contain actual physical tabs that extend beyond the edge of the document, to facilitate easy identification and review of tabbed documents.

The caption for this appeal is attached, and we ask you to use it on any briefs and record excerpts filed with this court.

Since you have not made arrangements to pay shipping costs, we are not releasing the record. To receive the record on appeal, you must provide this office with a United Parcel Service, or similar commercial delivery service, account number by sending an email to Dantrell Johnson at ca5.uscourts.gov. You must include the case number in the subject line of your email. We will charge the shipping account number provided for shipment of the record on appeal to you, see 5TH CIR. R. 30.1, effective November 1, 2004. In the alternative, you may pick up the record from the Clerk's Office, or you may contact a local courier or attorney support services firm to pick up the record and ship it to you.

Sincerely,

LYLE W. CAYCE, Clerk

A handwritten signature in cursive script, reading "Dantrell Johnson", written in black ink on a white background.

By: _____
Dantrell L. Johnson, Deputy Clerk
504-310-7689

Enclosure(s)

cc w/encl:

Mr. Mischa Kristian Bauermeister
Mr. Edward F. Berbarie
Ms. Linda Dreeben
Ms. Martha Elaine Kinard
Ms. Kira Dellinger Vol

Case No. 17-60241

IN-N-OUT BURGER, INCORPORATED,

Petitioner Cross-Respondent

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent Cross-Petitioner